

REGULAR TOWN COMMISSION MEETING HELD JUNE 7, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 7, 2010 at 6:00 PM in the Town Hall Meeting Chambers.

Pledge of Allegiance

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Bingham	Commissioner Brown
Commissioner Pugh	Commissioner Allison
Mayor Kaleel	

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Kaleel requested to pull Item #5, and to add it at the end of the meeting. He also announced a Proclamation declaring June 21, 2010 as Summer Learning Day.

Comm. Brown requested to pull #3 and to discuss it after the Manager Report.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of May 3, 2010
2. Re-Appoint Geoff Pugh as the Regular Member to the South Lake Worth Inlet Advisory Committee for a 3 Year Term
4. Approval of Budget Transfer Not to Exceed \$8,500 for State Revolving Loan Audit from Public Works – Road Materials/Storm Drain Repair and Maintenance to the Town Clerk – Accounting and Auditing

ANNOUNCEMENTS AND PROCLAMATIONS

6. The Administrative Offices will be closed on Monday, July 5, 2010 for the Official Holiday (July 4th falls on Sunday)

Comm. Pugh motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Allison.

Motion Carried – yea (5).

PUBLIC COMMENT

Justus Brown, 29 Coconut Lane, thanked the Commission for the no-seeum spraying, as he had seen a big improvement. He also thanked Chief Yannuzzi for doing a great job.

Nancy Hogan, 37 Hibiscus Way, stated her concern of mosquitoes in her neighborhood as they were getting into her home and questioned why revenues were not spent in her area for spraying. She also asked what the Code Enforcement status was of her neighbor's pool that was not being maintained as she had not heard any feedback. She felt that the neighbor's water was draining onto her property and caused seawall damage to her property also.

Dr. Jim Weege, 15 Sabal Island Drive, stated that a bank account had been opened for the Ocean Ridge Koi Pond in order to preserve and maintain it. There was currently \$500 in the fund, but he would like to retain a \$5000 balance if possible. He welcomed any residents to participate either through donations or as a part of the committee.

7. Manager Report

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold due to the availability of funds. We are in line for a grant of \$119,000, with funds to be available next summer. 2) Island Drive Bridge – Construction has started again after the long delay caused by FPL & Comcast. 3) Shark Fishing – We obtained an ordinance from Delray Beach banning shark fishing. The attorney is reviewing it to see what we can do within our Town. 4) Town Hall

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Pond – It has been repaired and is operational. 5) Hurricane Debris Removal – Republic Services is preparing an agreement for debris removal in case of a hurricane. 6) Old Ocean Blvd, The Garden Club Dune Committee has developed a plan to landscape this section and remove the invasive vegetation before planting new. 7) Town Hall Painting Exhibit – Gulfstream School had their art exhibit on May 25th. It included paintings and ceramics done by the students, and a musical performance by a few of the students. It was well attended and enjoyed by everyone. 8) Energy Grants – We have received a notice to proceed from the County for \$50,000 for energy improvements on Town Hall and Ocean Ave. We have also received an indication from the State that we have been awarded the energy grant which could be about \$230,000. This grant is for 2 hybrid vehicles and a rebate program for the residents. We are waiting for a confirmation though. 9) Telephone Contract. We contracted with the League of Cities last year to review our telephone expenses, and we are interviewing other phone companies as our AT&T contract expires this summer. 10) Entrance Signs – A proposal for the design of the signs has not been received yet. Stone samples had been received for the Commission to review.

Atty. Spillias stated that the Delray Beach's Ordinance to ban shark fishing had a restriction of 300ft from the municipal's beaches, and that the fishing laws are controlled by the State. Ocean Ridge does not have a municipal beach area. Our issue would be east of the high water line, and anything that would affect the safety/health/welfare of our residents. We could impose regulating the use of chum/bait for fishing and draft some regulations if directed. It was discussed that there had been a few complaints of big groups that were spear fishing between the Inlet and Hammock Park. The potential danger to other swimmers was also discussed.

Chief Yannuzzi explained that there was a complaint over the weekend, and it was determined that the spear fishing was out 300ft, and beyond Ocean Ridge's jurisdiction. Florida Fish & Wild Life was called to handle the issue.

Dr. Weege, 15 Sabal Island Drive, stated that most divers, himself included spear for fish not sharks. Unintentionally though, the spearing can draw the sharks.

Atty. Spillias stated that he would do further research with the Florida Fish & Wildlife in regards to banning gigging, spearing, chumming or fishing for sharks on the public beaches.

Manager Schenck stated that he had met with the Mayor of Briny Breezes in regards to our proposal for their Police Service. Our proposal was for a 3 year contract starting at \$185,000 with a 4% CPI. Briny's request was to drop the 4% CPI. Manager Schenck recommended that the 4% CPI be dropped from the contract to increase our chances of being awarded the contract.

A consensus was made to remove the 4% CPI from the Police Service Proposal to Briny Breezes.

Manager Schenck stated that he had met with the EOC and the Sand Sifters regarding the possible oil spill cleanup. Sand Sifters are also having an All American Beach Cleanup on July 3rd, and we have approved that donated supplies for soldiers in "The Delta Demons" can be dropped off in Ocean Ridge.

3. Approval of Landscape Contract with Chris Wayne and Assoc. at a Monthly Cost of \$3,406.33 and Extending Contract through September 2011 (Reflects No Increase from Current Costs through the entire period)

Comm. Brown suggested that this contract extension be for this fiscal year only, and then reviewed during the budget process. Mayor Kaleel suggested that we go back out to bid to get a lower cost for next fiscal year.

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Comm. Allison motioned to extend the Landscape Contract with Chris Wayne and Assoc. at a monthly cost of \$3406.33 through September 2010, and to go out to bid to coincide services on a fiscal year basis.

Motion Carried – yea (5).

8. Town Attorney
Atty. Spillias had nothing further to report.

9. Police Chief
Chief Yannuzzi presented the April Activity Report. Sabal Island Bridge was damaged, possibly by a landscape company, and needed minor repairs. Comm. Pugh asked how the crossover signs were working out, and if any tickets had been issued. Chief Yannuzzi reported that they seemed to be working fine, and there had been no tickets. Comm. Allison asked for clarification of biking regulations and restrictions on A1A. Chief Yannuzzi reported that there the law allows riding 2 abreast. Since A1A does not have a bike lane, they can take the lane as long as it does not impede traffic, and are within 10-15mph from the speed limit. He asked for both the bikers and drivers to be understanding of each other. Comm. Brown asked if there had been any problems of stolen bikes, and Chief Yannuzzi stated there had only been one stolen bike recently taken from a beach crossover area.

10. Town Engineer
Engineer Tropepe was absent with notice.

11. Discuss and Possibly Authorize Retirement Bonus for Fred Martin, Maintenance Personnel
Manager Schenck reported that Fred Martin had worked for Ocean Ridge for 18 years, and had an excellent record. He asked that the Town award him an outstanding bonus of \$100/year, and that there were sufficient funds in the salary budget to cover this cost.

Comm. Pugh motioned to approve an outstanding bonus for Fred Martin in the amount of \$1800 to be funded in the salary budget. Seconded by Comm. Bingham.

Comm. Brown asked requested that any anticipated bonuses be addressed during the budget process. Clerk Hancsak stated that bonuses were on a case by case basis. Not all employees who left or retired received this bonus.

Motion Carried – yea (5).

12. Confirm Hiring of William Armstrong as Maintenance Replacement for Fred Martin Contingent on Satisfactory Background Completion
Manager Schenck stated that with the retirement of Fred Martin, we advertised for the open position. The work to maintain Ocean Ridge on a continuous basis is too much for one person to handle, especially during hurricane season. Out of the 62 applicants, William Armstrong stood out as an experienced and favorable person, with excellent references. Mngr. Schenck recommended that the Commission confirm the hiring of Mr. Armstrong on a full time basis contingent on a satisfactory background check.

It was questioned that with budget constraints if this should be a part-time or full time position. It was also discussed if he could be hired on probationary period without benefits. Atty. Spillias stated that the Employee Manual has stipulations relating to benefits.

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Comm. Brown motioned to approve the hiring of William Armstrong on a full-time basis through September 30th, 2010 at the salary proposed. Seconded by Comm. Allison.

Motion Carried – yea (5)

13. Authorize Advertising for Bids to Construct Drainage Improvements Consisting of Inlet Cay Valley Gutters and the Flooding Problem at the corner of Douglas Drive and Oceanview Drive By: Kenneth Schenck, Town Manager

A consensus was made for the Town Manager to go out to bid for the drainage improvements to Inlet Cay and Douglas Drive.

14. Approval of Transferring Funds from the Beautification Reserves to the General Fund for Four New Town Entrance Signs By: Kenneth Schenck, Town Manager (THIS ITEM WILL BE DEFERRED UNTIL THE JULY MTG)

RESOLUTIONS

15. Resolution No. 2010-10; Adopting a Resolution Confirming the Town's Support to Retain its Low Density, Residential Character, by Submitting to the Voters Any Proposed Changes to the Comprehensive Plan, Density, Land Use, Zoning Changes, Etc; Proposed by Comm Brown (Deferred Item)

Comm. Brown stated that he had amended the resolution to remove the references to voter referendum. The purpose of the resolution was to maintain the character of Ocean Ridge and not promote growth development, and keep Ocean Ridge a low density community.

Comm. Brown motioned to approve Resolution No. 2010-10. Seconded by Comm. Allison

Comm. Bingham was not in favor of the resolutions, as she felt it could create potential challenges in the future.

Motion Carried – yea (4); Comm. Bingham nay (1)

FIRST READING OF ORDINANCES

16. Amending the Code of Ordinances; Chapter 66, Article I, General Provisions, Sea Turtles and Wetlands, by Adding a New Section 66-3 to be Entitled Bird Sanctuary, Providing for the Designation of the Town of Ocean Ridge as a Bird Sanctuary

It was mentioned that this ordinance did not protect the birds, and was more of a cosmetic nature. It does promote Ocean Ridge as being a bird watching district. Atty. Spillias stated that Ocean Ridge has the discretion to enforce or not enforce any ordinance.

Comm. Brown moved to approve Ordinance #588 on First Reading, amending the Code of Ordinances; Chapter 66, Article I, General Provisions, Sea Turtles and Wetlands, by Adding a New Section 66-3 to be Entitled Bird Sanctuary, Providing for the Designation of the Town of Ocean Ridge as a Bird Sanctuary. Comm. Bingham seconded the motion.

Mark Marsh, 14 Hudson Avenue mentioned his opposition citing the difficulty in enforcing the Ordinance.

Clerk Hanscak noted that at the last meeting, the Town Attorney advised that the Code has a provision that's any code violation could be cited as a misdemeanor.

Motion Carried – yea (5)

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SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

17. No. 586; Amending the Code of Ordinances, Chapters 64, Section 64-1(j)(3) and (k)(3) Decreasing the Maximum Height of a Single Story Residence; Amending Chapter 64, Section 64-1, Figure 64-6 Reflecting the Reduction of Maximum Height of a Single-Story Residence and Reducing the Maximum Tie Beam for a Single-Story Residence

Comm. Bingham motioned to approve Ordinance No. 586, Amending the Code. There was No Second and the Motion Died.

Mark Marsh, 14 Hudson Avenue, stated that the Town Manager had asked him to represent Planning & Zoning and to discuss their recommendation. He stated that after long discussions the Planning & Zoning had unanimously recommended the reduction of maximum height from 16ft to 12ft, consistent with the neighboring communities. The purpose of this was to reduce the massiveness of the homes in Ocean Ridge, as it only takes 1-2 homes to change to the look of Ocean Ridge and make things out of proportion. Most single family homes have 8 to 10ft ceiling height. In comparison, he noted that the interior of Town Hall was only 10 ft, and that 16ft would dwarf most existing single family homes that are 8-10ft height. Also a 12ft height would not affect car-lifts in garages. He then provide 7 images to provide more perspective on the proposed change.

Brandon Caldwell, 66 Spanish River Drive, agreed with Mr. Marsh that 16ft was massive for the front of the home, but also felt that 12 ft constricted the views of the waterways. With property values going down, he felt that this would restrict potential real estate buyers. He also felt that there were conflicts and issues with our building codes that don't accommodate for growing families. He asked that they not reduce the building height, as it restricts the character of the homes.

Comm. Bingham felt that restrictions were necessary to eliminate cutting off breezes or ocean views from others. Comm. Pugh and Comm. Allison did not feel the need for more restrictions or to change the code.

Comm. Bingham motioned to approve Ordinance No. 586; Amending the Code of Ordinances. Seconded by Comm. Brown.

Mayor Kaleel stated that he would vote in favor of it since Planning & Zoning recommended it, and thereby making Ocean Ridge more consistent with other municipalities.

Motion Carried, Comm. Bingham, Comm. Brown, Mayor Kaleel yea (3); Comm. Pugh, and Comm. Allison voted nay (2)

18. Ordinance No. 589; Amending Chapter 54, Article III, Section 54-87 Modifying the Provisions for Overnight Parking on Public Streets or Vacant Lots (FINAL ADOPTION AT THE JULY REGULAR MEETING)

TOWN COMMISSION COMMENTS

19. Discuss Creation of Reserve Account and Name for Art Donations Received
Comm Bingham asked for the creation of a reserve account and name for art donation account. She felt some donors might feel a resistance to donate to the art exhibits, if funds were placed in the general account.

Clerk Hanscak reported that the funds are put in the general fund but are ear-marked for the art exhibits. At the end of this year, a reserve account would be set up for the balance of funds not

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spent for the art functions. Next fiscal year a separate revenue and expense account would be set up for the art exhibits.

A consensus was made to authorize setting up an Art Donation Reserve account at Fiscal Year End.

5. Authorize Scheduling the July Regular Meeting July 12th at 6:00 PM, the Proposed FY 2010/11 Budget/Adopt Proposed Millage Meeting for July 26th at 8:30 AM, the Tentative Budget Adoption/Sept. Regular Meeting for Sept. 8th at 5:01 PM, and the Final Budget Adoption for Sept. 20th at 5:01 PM

Clerk Hancsak stated that there were several date conflicts with the vacations of the Commissioners and other commitments, and asked for guidance in scheduling the meetings for July and September as not all commissioners would be able to attend. After discussion, the following meeting dates were set:

- July 12th, 2010, 6:00pm – Regular Town Commission
- July 27th, 2010; 8:30am – Budget/Adopt Proposed Millage Meeting
- September 8, 2010, 5:01pm – Tentative Budget Adoption/Sept. Regular Meeting
- September 22, 2010, 5:01pm – Final Budget Adoption Meeting

Comm. Brown commented that if taxes had to be raised, he would like to see where expenses went down.

Mayor Kaleel stated that he was open to limiting the hours of Town/Hall and/or staff.

Don Magruder, 9 Ridge Lane, suggested outsourcing some of the maintenance work to private sources if necessary.

Adjournment at 8:15p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh